

CHAPTER NO. 322

HOUSE BILL NO. 1383

By Representatives Hagood, Boyer, Pleasant

Substituted for: Senate Bill No. 1660

By Senators Rochelle, Atchley

AN ACT to amend Tennessee Code Annotated, Title 63 and Title 68, relative to the Division of Health Related Boards and the Tennessee Emergency Medical Services Board regarding screening panels.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1 is amended by adding the following language as a new, appropriately designated section:

SECTION ____.

(a) The Boards of Examiners in Psychology, Osteopathic Examination, Veterinary Medical Examiners, Occupational and Physical Therapy Examiners, and the Tennessee Emergency Medical Services Board as established in this Title and in Title 68, may utilize one (1) or more screening panels in their investigative and disciplinary process to assure that complaints filed and investigations conducted are meritorious, and to act as a mechanism for diversion, to professional peer review organizations and/or impaired professionals associations or foundations, those cases which the above boards, through established guidelines, deem appropriate.

(b) The activities of the screening panels, and any mediation or arbitration sessions shall not be construed as meetings of an agency for purposes of the open meetings act and shall remain confidential. The members of the screening panels, mediators and arbitrators have a deliberative privilege and the same immunity as provided by law for the boards, and are not subject to deposition or subpoena to testify regarding any matter or issue raised in any contested case, criminal prosecution or civil lawsuit which may result from or be incident to cases processed before them.

(c) The screening panel has the authority to administer oaths to witnesses. Any documents or records produced at the screening panel shall be exempt from the public records act until there is a filing of a notice of charges and such documents or records form the basis for such filing of a notice of charges.

(d) Members of a screening panel may be drawn from among the membership of the relevant board or members may be appointed by the relevant board. Nonboard members shall meet the requirements of membership for the relevant board and may include a consumer member. A board member serving on a panel shall not participate in a contested case involving any matter heard by the panel.

(e) Each screening panel shall be instructed as to the statutes, rules, regulations and philosophies of the relevant board as it pertains to disciplinary action and to the procedures to be followed by the panels. Each screening panel shall be provided a copy of Rule 31 of the Rules of the Tennessee Supreme Court for review by members of the screening panel for general guidance as to the principles of mediation and alternative dispute resolution.

(f) A board does not have authority to compel any party to participate in a screening panel and no prejudice will be incurred if the party chooses not to participate or to accept the offer of the screening panel.


SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 23, 2001


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 30th day of May 2001


DON SUNDQUIST, GOVERNOR